

# THE NEWS OF NORFOLK ON PAGES TWO AND THREE.

## WEATHER REPORT.

Washington, Aug. 10.  
Weather forecast for today:  
Virginia—Showers and thunderstorms Friday; fair Saturday; continued high temperature; fresh to brisk southerly winds.  
North Carolina—Showers and thunderstorms Friday; fair Saturday; continued high temperature; fresh southerly winds.

## Norfolk and vicinity.

WEATHER FORECAST FOR TO-DAY.  
Showers to-night; fair Friday; fresh southerly winds.

## TEMPERATURE, RAINFALL AND HUMIDITY.

August 10th, 1899.  
Maximum temperature ..... 83  
Minimum temperature ..... 71  
Normal temperature ..... 78  
Departure from normal ..... +5  
Departure from normal since January 1st ..... -10  
Rainfall in past 24 hours ..... .21  
Rainfall since first of month ..... .25  
Mean humidity ..... 79

## CALENDAR.

Sun rises at 5:18 a. m. and sets at 7:01 p. m.  
TIDES.  
High water at 12:00 a. m. and 12:02 p. m.; low water at 5:59 a. m. and 6:15 p. m.

## DEED.

HOLLAND. Suddenly on Thursday morning, August 10, 1899, EDGAR W. HOLLAND, aged 35 years.  
The funeral will take place from his late residence, No. 315 West Highland avenue, THIS (Friday) AFTERNOON, at 3 o'clock. Friends of the family are invited to attend.

## MURKINS.

A SPECIAL MEETING OF UNITED BROTHERHOOD OF CARPENTERS AND JOINERS is called for FRIDAY NIGHT, August 11th, at 8 o'clock. Business of great importance. Necessary that each member should be present. Very respectfully,  
THOS. J. NOTTINGHAM.

## BY THE COMMITTEE.

Norfolk, Va., August 10, 1899.  
NOTICE. MEMBERS OF THE JACKSON LIGHT IN-ENTRY are hereby requested to assemble at their armory, 1111 Broadway, at 8 o'clock, on Friday, August 11th, at 8 o'clock. Business of great importance. Necessary that each member should be present. Very respectfully,  
THOS. J. NOTTINGHAM.

## I.O.R.M. CHIEFS AND

MAJ. THOMAS J. NOTTINGHAM, of the 1st Regiment, U. S. Army, will deliver a lecture on "The History of the United States" at the 11th Street Theatre, on Friday, August 11th, at 8 o'clock. Tickets 10c and 25c. Free will contribution for the benefit of the 11th Street Theatre.

## AMUSEMENTS.

Oscar P. Benson, Manager. Walter Garry, Stage Manager.

## Ocean View Theatre

Week of Aug. 7, 1899.

WILL STANTON, THE WONDERFUL ROOSTER.

TINA CORRI, A CHARMING SOUBRETTE.

JACK SYMONDS, THE MONOLOGIST.

GENAIO AND THEOL, FLEXIBLE EQUILIBRISTS.

MILES AND RAYMOND, "HARRY IN THE CRADLE."

Performances at 7:30 and 9:30 p. m. daily.

GRAND REOPENING OF THE ATLANTIC CITY THEATRE FOR THE SUMMER SEASON. FRIDAY, AUGUST 11, 1899. The house will be opened with electric fans and liquid air. New features and attractions. Entertainment. Prices, 10c, 25c and 50c.

## La Mode

Millinery.

All Hats trimmed and untrimmed will be sold at reduced prices.

During the months of June, July and August we will trim all hats bought of us free of charge.

LA MODE,

MRS. H. POSNER.

Closing Out Sale

Wash Dress Goods.

Plaque Skirts, Ladies' and Gentlemen's Summer Underwear, Ladies' and Children's Parades.

The best 50c Umbrella in the city.

Look out for the Blanket Sale that will follow soon. We think the best ever offered in the city for the money. Already in the store.

The above means money saved for you. The Embroidery Department is still appreciated by our customers.

L. H. Whitehurst,

336 MAIN STREET.

Nov. Phone 857.

Steamer object.

Take the handsome new steamer "Mobjack," of the Old Dominion Line, for a delightful all-day trip on the water. She leaves Bay Line wharf daily, except Sunday, at 7:00 a. m. for Mobjack Bay and Landings in Mathews and Gloucester counties. Fare only \$1 for excursion trip to return same day.

July 16-17

## COURT DECISIONS.

Notes of Cases Recently Decided, Which are of Interest to Our People.

DIGESTED BY W. B. MARTIN.

(Exclusively for Virginian-Pilot.)

### KANE V. VA. COAL AND IRON CO.

Supreme Court of Appeals of Virginia. July 6, 1899.

A COURT OF EQUITY WILL NOT ENTERTAIN A BILL TO REMOVE A CLOUD ON THE TITLE BY THE OWNER OF THE LEGAL TITLE TO LAND WHO IS OUT OF POSSESSION.

EQUITY DOES NOT TAKE JURISDICTION IN A CASE OF FRAUD.

IF THERE IS A FULL AND COMPLETE REMEDY AT LAW.

This was a bill in equity to remove clouds upon the title of land of the plaintiffs and to quiet the title. The lower court dismissed the bill and plaintiffs appealed.

The court says:

The prayer of the plaintiffs is that they may have clouds, which they aver rest upon their title, removed, and that they may be quieted in the enjoyment and possession of the land in controversy; and, to entitle them to this relief, they must show in themselves a complete title and possession. It is not that this is the established law cannot be controverted.

Those who have a clear, legal and equitable title to land, with possession, have right to claim the interference of a court of equity to give them peace, or dissipate a cloud on the title.

In *Oley v. Stuart*, 91 Va. 714, Judge Buchanan says: "A court of equity, as a general rule, in the absence of statutory authority, does not entertain a bill of this character. If the party filing it claims to be the owner of the legal title, unless he is in possession of the land upon which the cloud rests, it is not his to remove. If he is the owner of the legal title, he has ordinarily a complete remedy at law by an action of ejectment."

It may be conceded, for argument's sake, and only for that purpose, that appellants have shown the legal title to the land, but their case must fail for the evidence of their possession is wholly insufficient.

Patrick Hogan is made a party defendant to the bill, and there is a very elaborate statement of facts and circumstances intended to show that he was guilty of fraud upon the plaintiffs. If the plaintiffs have a case against him it could have been asserted at law. There is in the case no fact or circumstance which would give a court of equity jurisdiction to give a remedy. As we said, it is not his to remove. If he is the owner of the legal title, he has ordinarily a complete remedy at law by an action of ejectment."

We are of opinion that a court of equity was without jurisdiction as to any of the defendants, and the decree must be affirmed.

WHITTON V. S. C. & G. R. CO.

Supreme Court of Georgia. March 16, 1899.

WHERE THE CONDUCTOR OF A TRAIN VOLUNTARILY WENT BETWEEN THE CARS, ONE OF WHICH HE KNEW WAS DEFECTIVE, FOR THE PURPOSE OF UNCOUPLING THEM, AND WAS KILLED, HE WAS "AT FAULT" AND THE RAILROAD COMPANY WAS NOT LIABLE.

Mrs. Whitton sued the South Carolina and Georgia Railroad Company for damages for the homicide of her husband. Upon the close of the evidence for the plaintiff, the trial judge granted a nonsuit, to which the plaintiff excepted. Whitton, the husband, was the conductor of a construction train. In making it up, there was one car which had no bumper or drawhead at one end, and which was attached to another car by means of a chain. The defective car being without bumper or drawhead, there was nothing to prevent its contact with the other car in case of a movement of the train or of taking up or letting off slack. The conductor sent the flagman to a crossing for the purpose of flagging this train when it became necessary, and he himself undertook to uncouple the defective car from the other. Before going under and between the cars, he placed a piece of wood in front of the wheels of the car which was attached to, and immediately behind, the defective car, for the purpose of preventing it from running upon him in case the engine and other cars should move forward. While the conductor was under the car, the engine moved forward, and the car, unfettered by the chain, ran forward, and struck the conductor, killing him. The lower court granted a nonsuit, holding that while the evidence showed the flagman, a servant of the company, was negligent, the conductor was also in fault.

The court says:

In this state the law is that an employee who has been injured by the negligence of a co-employee is prima facie entitled to recover from the company upon showing either that he was free

from fault or that the company was in fault. Evidence of either of these things puts the burden upon the company to prove the contrary of one of them. If, however, the employee, in making out his case by showing that the company was negligent or in fault, the company is relieved of the necessity of introducing evidence to show negligence on the part of the employee. If the evidence shows that the employee, by his negligence, contributed to the injury, the court should grant a nonsuit. Applying this rule, we think that the facts of this case show that, although the servants of the company were negligent in moving the train forward without warning to the conductor, he also was negligent in undertaking to uncouple this defective car. As far as the record discloses, it was a voluntary act upon his part. The evidence does show that it was the duty of the flagman to couple and uncouple cars.

As to the management of this particular train, the conductor was the principal of the company. It was his duty to be where he could superintend the whole train, and not without a pressing emergency ought he to have abdicated his position of authority, and assigned the duties of a subordinate. He must have known that it was dangerous to go under and between the cars, because of the defective condition of one of them. He showed a knowledge of the danger of placing the wood in front of the wheels of the car next to the defective one.

### BRAMBLETON WARD.

A quiet but pretty wedding event transpired at No. 136 Granville avenue at 8 o'clock last night. The parties to the contract were Mr. Charles W. Tatem, a popular young business man of Norfolk, and Miss Josephine M. White, a bright and attractive daughter of Mr. and Mrs. Augustus G. Mitchell, of No. 70 Cumberland street. The ceremony was impressively performed by Rev. T. C. Whitehurst, of the Baptist Church, in the presence of a few close friends of the happy couple. Mr. and Mrs. Tatem and their attendants, Mr. Willie E. Jarvis and Mrs. Annie Lawrey, were attired in becoming costumes.

At the conclusion of the marriage the bride and groom repaired to the home of the bride's parents, where they will make their home for the present.

### BREVITIES.

Mr. D. B. Kain and daughter, Miss Ema, of 810 Tunstall avenue, have gone to Washington, D. C., to spend several weeks with relatives and friends.

Rev. J. P. Hackett, D. D., of the Christian Memorial Temple, who came to Norfolk Tuesday to officiate at the funeral of Mr. Martine, returned last night to Pennsylvania to complete his vacation.

Miss Mattie Williamson, of No. 112 Windsor avenue, has returned from a pleasant visit to friends in Currituck county, N. C.

Mr. Robert Moore, formerly with Messrs. White & Bonney, grocers, has accepted a position with Mr. A. C. Arrington.

Mr. Robert Moore, on returning to his home, on Willoughby avenue, at quite a late hour Wednesday, discovered a strange man on the steps of his residence. He was saved from the clutches of the stranger by the timely aid of his faithful watchdog.

Mr. John Carty is very ill at his home, No. 113 Claiborne avenue.

Mrs. Rose R. Miller, who has been confined at her home, 828 S. W. Brambleton avenue, for several weeks, is now convalescing.

Miss Nellie Gale, of Portsmouth, is on a short visit to Mrs. Edgar Murphy, No. 117 Claiborne avenue.

### LAMBERT'S POINT.

Captain L. W. Lambert, of Myers avenue extended, has returned from a business trip to New York.

Mrs. Dr. Farmer, the leading soprano soloist of Lambert's Point M. E. Church, has consented to sing at both services at St. Mark's Episcopal Church next Sunday.

The county officials have waded up to the importance of putting the village in the best sanitary condition, and have a force of hands removing the weeds and high grass from the vacant lots and streets, and will grade and shell the avenues and lay new plank walks at once.

Miss Essie Lambert, of Myers avenue, is the guest of Miss Grace Morris, of Marine street, this city.

Miss Nellie Morris, of Norfolk, who has been visiting her friend, Miss Lulu Dunston, at Captain L. W. Lambert's, for the past two weeks, will return home to-morrow.

The Lambert's Point brass band discussed some fine martial music opposite the Methodist Church last night, which attracted quite a gathering of ladies and gentlemen.

Miss Beulah Wade, who was expected to leave for her home at Lynchburg yesterday, has concluded to prolong her stay much to the gratification of her relatives and friends.

A number of ladies and gentlemen are making up a party for a hay ride to Ocean View next Monday night. The trip will be enlivened by vocal and instrumental music.

### ATLANTIC CITY WARD

Mrs. George A. Brown, of Fort street, has returned from a visit to relatives in Lewiston, N. C.

Dame Humor has it that two marriages will come off in the ward in the near future.

The stench from the dead fish lying in The Hague is so offensive that the Norfolk Protestant Hospital and residents on Olney Road were forced to keep their windows and front doors closed yesterday.

The Ladies' Aid Society of LeKies Memorial M. E. Church is considering the propriety of giving another entertainment for the benefit of the church.

The oyster dealers are getting their packing houses in readiness for the opening of the season on September 1st.

### HUNTERSVILLE.

Sanitary Inspector D. M. Harding, under the direction of the county authorities, has introduced the best sanitary measures for the general health of the village. The entire vicinity is in a cleaner condition now than it has been for years.

It is hoped by the residents that the authorities will extend the good work to Barboursville.

### Court Bonds.

Attention is called to the advertisement of the Seaboard Fire Insurance Company announcing the fact that they issue promptly court bonds in the American Bonding and Trust Company.

## NEWS OF THE COURTS

Further Hearing in the Tripoli Street Opening Case.

A Will Prohibited—Transfers of Property Admitted to Record—Clerk Royster Issues Permits to Many Police Court Delinquents.

In the Corporation Court yesterday the will of Elizabeth White, dated August 2, 1899, was admitted to probate. Henry C. Gallup qualified under a \$500 bond as executor. The appraisers appointed were E. W. Savage, A. H. Hawks and J. H. Pierce.

The hearing of exceptions to the commissioners' report in the Tripoli street condemnation proceedings was continued before Judge Hancock during yesterday.

PROPERTY TRANSFERS.

In the clerk's office yesterday deeds were recorded making the following transfers of property:

W. W. Little and wife to Andrew S. Martin, lot with dwelling house on North street, near Duke, \$2,270.

Frank Jacob and wife and Jacob Jacob to Telsky Kuzmenko, trustees, tract of land on east side of Chapel street, between Henry and Pine streets, with buildings thereon, \$5,500.

E. W. Bray to Maria L. Bray, lot with improvements fronting 28 feet on Brambleton avenue, \$200 and other considerations.

E. E. Whitehurst to Thomas Hope, the improved lots on Cumberland street, near Charlotte street, \$1,800.

Littleton W. Frazier and Richard Walke, executors of Mr. Ann E. T. Bradford, to the American Contracting and Transportation Company, surrender of option of Tazewell street property, \$1,000.

Sum to Norfolk Terminal Transportation Company, surrender of lease of property in rear of College Place, \$1,000.

Herbert M. Nash to Lulu F. Howard, improved lot at northwest corner High and Rappahannock avenues, \$1,500.

MARRIAGE LICENSES.

The clerk of the corporation Court issued to the following parties marriage licenses:

Charles W. Tatum and Bessie Elizabeth Mitchell.

Thomas Springs and Nannie Copeland, colored.

THE POLICE COURT.

William Dugan, colored, assaulting George E. Scott, fined \$2.50.

M. L. Dale, drunkenness, assaulting an officer and carrying a concealed pistol; fined \$25.00.

Mary Gasgow, colored, threatening to stab Robert Portlock, colored, and profane on the streets, fined \$1.

Ruby Ford, keeping a house of ill-fame; dismissed.

Jack Penet, assault; continued until Friday.

Miss Check, colored, burglary at Virginia Beach; recommended for the Princess Anne authorities.

W. S. Nevis, colored, felonious assault; recommended for ten days.

Samuel Jordan, colored, ill-treating his wife, Mary Jordan, continued for ten days and the prisoner bailed.

Richard Haddock, colored, stealing brass; delivered to Special Officer Barron, of the Norfolk and Western Railway, for trial in the county.

BRIEF ITEMS OF INTEREST.

There were a large number of small dead fish floating in Smith's Creek yesterday.

Mr. F. Odendhal, of the firm of Odendhal, Vicar & Gilbert, is stopping for a few days with his family at Salem, Va.

Neal Johnson, colored, was adjudged insane by a commission of lunacy yesterday. He was committed to the care of Maria Fitzgerald, colored, for his safe keeping.

The window frames to the first story of the new Federal building are being put in position.

Police Justice R. W. Tomlin has returned to the city. He resumed his duties in the Police Court yesterday morning.

Judge W. B. Martin, of the Court of Law and Chancery, is at the Montgomery White Sulphur Springs, where he expects to remain until the last of September.

The Roanoke Evening World notes the Miss Lulu Comer, of Norfolk, visited her sister, Mrs. Charles Cook, at Vinton.

Rev. W. J. Young, D. D., of Epworth Church, is still at his home in Norfolk, and not at the Marvin Grove camp meeting, as has been published.

The police last night found three hams and two shoulders left out carelessly in front of the Federal Grocery, corner of City Hall avenue and Bank street, and took them to the police station.

Rev. Henry McDonald, D. D., pastor of the Second Baptist Church of Atlanta, is here visiting old friends.

Mr. M. L. Brittain, a prominent educator of Georgia, was in the city yesterday.

Mr. J. W. Lynch, of Kinston, N. C., spent yesterday in the city.

Mr. R. D. Chatham, general freight agent of the Seaboard Air Line at Atlanta, is at the Atlantic.

Mr. C. L. Buntin, of Raleigh, was here yesterday.

Messrs. M. M. and Theodore Marshall and Mrs. Margaret Susan Marshall, of Raleigh, are at the Monticello.

The Frances Barnes' Y gave an entertainment and lawn party last evening on Hamilton avenue, Ghent. Refreshments were served and a silver offering was taken at the gate.

More Evidence Against Smith.

Detective Heppel has found another piece of evidence pointing to John Smith, alias Walter Cotton, as the murderer of Mr. Chas. Wyatt. This is a brainpin, property of Mrs. Wyatt, stolen at the time of the murder of Mr. Wyatt. It has been found in the possession of a young colored woman who lives on Addison's lane, and was given to her by Smith. This is the same woman who had Mrs. Wyatt's car ring.

Relief in Six Hours.

Distressing Kidney and Bladder disease relieved in six hours by "New Great South American Kidney Cure." It is a great surprise on account of its exceeding promptness in relieving pain in bladder, kidneys and back, in male or female. Relieves retention of water almost immediately. If you want quick relief and cure this is the remedy. Sold by Walke & Martin, druggists, 168 Water street, Norfolk, Va.

## KENTUCKIANS HERE.

EIGHTY-SEVEN GO TO VIRGINIA BEACH.

That there is no longer fear of yellow fever is attested by the fact that a large excursion party, scheduled to arrive at Old Point yesterday via Richmond and Newport News, finding that the quarantine had been raised, decided to come to Norfolk. The excursionists are from the Blue Grass State, and 87 of them went to Virginia Beach yesterday afternoon as guests of Manager Stokes, manager of the Princess Anne, where they are enjoying delightful sea breezes, fish and oysters.

The Princess Anne is again rapidly filling up, and people are returning to the cottages. This seaside resort was always a prime favorite, and never more so than under the present liberal and faultless management.

Sales of Real Estate Yesterday.

Messrs. Stephenson & Taylor, auctioneers, sold for Judge F. M. Whitehurst, trustee, at the Real Estate and Stock Exchange yesterday, the Lambert property at Lambert's Point, to the following parties:

Lots 50 and 51, in block 139, and lot 53, in block 160, to E. P. Connor for \$305.

Lots 31 and 32, in block 194, to John S. Connor for \$200.

Total, \$505.

At the same time and place Messrs. Townsend & Joyner, auctioneers, sold to Judge Edward Spaulding, the house and lot on the corner of Claiborne and Park avenues, the purchase price being \$1,600.

Grand total, \$2,105.

All in sight of monument. "Newest Discovery" extracts teeth painlessly. N. Y. Dental Rooms, Ennes only, 324 Main street, corner Talbot.

## THE WORLD OF SPORT

NATIONAL LEAGUE.

	Won.	Lost.	Per Cent.
Brooklyn .....	61	33	.649
Boston .....	60	34	.638
Philadelphia .....	60	39	.606
Baltimore .....	56	33	.580
Chicago .....	53	42	.555
Cincinnati .....	52	42	.553
St. Louis .....	53	45	.540
Pittsburg .....	48	49	.490
Louisville .....	41	51	.446
New York .....	37	54	.407
Washington .....	36	62	.367
Cleveland .....	17	82	.173

At Philadelphia.—R.H.E. Phila. .... 0 0 0 0 2 1 0 x-3 6 1

Pittsburg .... 0 0 0 0 1 0 0 1-2 8 3

At Baltimore.—R.H.E. Baltimore .... 0 1 0 1 0 0 2 3 x-7 13 1

St. Louis .... 0 0 0 0 3 0 1 0-1 7 2

At Washington.—R.H.E. Washington .... 0 0 0 1 0 1 0 2-4 9 2

Chicago .... 0 0 0 1 1 0 0 2-3 9 2

WORLD'S CYCLE MEET.

CHICAGO RIDER CARRIES OFF A PRIZE.

(By Telegraph to Virginian-Pilot.)

Montreal, Aug. 10.—Another beautiful day and a crowd of 5,000 people greeted the second day of the world's cycle meet. The racing was of a better order.

There were two world's championships on the card, the 100-kilometer race and the mile professional.